

CHAPTER 494 (HB 725)

AN ACT relating to recanvass procedures for elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 117.305 is amended to read as follows:

- (1) The canvass and returns provided for in KRS 117.275 shall constitute the official returns of the precinct, unless before ~~4~~⁶ p.m. on the Tuesday following a primary or regular election, or ***before 4 p.m. on the day following***~~[within twenty-four (24) hours after the close of the polls in]~~ a special election held for the purpose of filling a vacancy, the county clerk or county board of elections takes notice of a discrepancy in the tally of votes cast in any precinct or number of precincts, or a candidate makes a written request to the county board of elections in the case of a candidate who has filed with the county clerk, or the Secretary of State in the case of a candidate who has filed with the Secretary of State, to check and recanvass the voting machines and absentee ballots of any precinct or any number of precincts involving his race. After this time period has elapsed and notice is taken, the ***county*** election board shall~~[immediately]~~ assemble ***at 9 a.m. on the Thursday following the filing deadline to request a recanvass, and not sooner***, and recheck and recanvass each machine and make a proper return thereof to the county clerk, and the canvass and return shall become the official returns for the election. In making the recanvass, the board shall make a record of the number of the seal upon the voting machine and, without unlocking the machine against voting, recanvass the vote cast thereon. If, ~~after~~^{upon} a recanvass, it is found that the original canvass of the returns has been correctly made from the machine, and that there still remains a discrepancy unaccounted for, this discrepancy shall be noted.~~[The registering counter of each candidate who requested a recanvass and the counter of the candidate's opponent shall be reset at zero (0) before it is tested, after which it shall be operated at least one hundred (100) times.]~~ If, upon recanvass, it appears that the original canvass of the returns by the election officers was incorrect, the returns and all papers being prepared by the board shall be corrected accordingly~~[, except that there shall be no change in the vote of any candidate from that originally certified unless the candidate was actually notified]~~. The county board of elections shall, immediately upon receipt of a request for a recanvass, notify each candidate for the office of the time and place of the recanvass. At the recanvass, each political party represented on the board may appoint a representative there to be its governing body, and also each candidate to be voted for may be present, either in person or by a representative or both. The county board of elections shall authorize representatives of the news media to observe the recanvass of the votes cast on the voting machine in each precinct. Nothing in this section shall prohibit an individual from requesting, in addition to a recanvass, a recount as authorized by KRS Chapter 120.
- (2) The State Board of Elections shall prescribe forms to be used by county boards of election to report all recanvassed votes. The form shall include the following information:
 - (a) The name of the county in which the recanvass was conducted;
 - (b) The date of the report;
 - (c) The date of the election;
 - (d) The office for which the recanvass was conducted;

- (e) The names of each candidate for the office being recanvassed; and
- (f) The machine votes, absentee votes, and vote totals for each candidate, as well as writein votes cast in a regular or special election for candidates whose names did not appear on the ballot.

The report shall be signed by each member of the county board of elections.

- (3) The county board of elections shall file its recanvass report as prescribed in administrative regulations promulgated by the State Board of Elections in conformity with KRS Chapter 13A.
- (4) *The State Board of Elections shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish the proper procedures for conducting a recanvass for each type of voting system approved by the State Board of Elections and in use in Kentucky.*

Approved April 21, 2000